

Notice of Allowability

Applicant(s)

10/065,800

Applicant(s)

HUANG, SHIHSHIEH

Examiner

Art Unit

David T. Fox

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 30 March 2006.
2. ☒ The allowed claim(s) is/are 1,5,6,8-11,20-25 and 35 renumbered as 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claims 27-29 were cancelled without prejudice.

Claims 1, 5, 20-21, 23, 25 and 35 were amended as follows:

---Claim 1 (currently amended). A method for producing a plant characterized by reversible male-sterility, said method comprising:

transforming a plant cell with a nucleic acid construct containing a polynucleotide [encoding] comprising a *gai* gene from Arabidopsis, operably linked to an anther-specific regulatory sequence[,] and transcription termination sequence; and

regenerating a plant from said plant cell wherein expression of said *gai* gene inhibits pollen formation in said plant.---

---Claim 5 (currently amended). A method for producing a plant characterized by reversible male-sterility, said method comprising:

transforming a plant cell with a nucleic acid construct containing a polynucleotide [encoding] comprising a *gai* gene from Arabidopsis, operably linked to an anther-specific regulatory sequence[,] and transcription termination sequence;

regenerating a plant from said plant cell wherein expression of said *gai* gene inhibits pollen formation in said plant; and

restoring male-fertility by application of a composition comprising kinetin.---

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---Claim 20 (currently amended). A method for producing a plant characterized by reversible male-sterility, said method comprising:

transforming a plant cell with a nucleic acid construct containing a polynucleotide [encoding] comprising a *gai* gene from Arabidopsis, operably linked to an anther-specific regulatory sequence[,] and transcription termination sequence;

regenerating a plant from said plant cell wherein expression of said *gai* gene inhibits pollen formation in said plant;

restoring male-fertility by application of a composition comprising kinetin; and selfing said plant to produce a plant homozygous for said polynucleotide [encoding] comprising a *gai* gene.

Claim 21 (currently amended). A seed from a plant produced by the method of any one of the preceding claims, wherein said seed comprises said nucleic acid construct.---

---Claim 23 (currently amended). A method of producing a hybrid plant, said method comprising:

sexually crossing a plant produced by the method of any one of claims 1, 5, 6, 8-11 or 20 [-22] with a plant of the same species having a different genetic makeup.---

---Claim 25 (currently amended). A seed produced from the plant of claim 23, wherein said seed comprises said nucleic acid construct.---

---Claim 35 (currently amended). A transgenic corn plant expressing the Arabidopsis *gai* gene specifically in the anther tissue of said plant, wherein the female reproductive tissues of said corn plant are functional, but the male reproductive tissues are not [-] functional, relative to the corresponding tissues in a corn plant that does not express the *gai* [gai] gene in the anther tissue.---

Authorization for this examiner's amendment was given in a telephone interview with M. Todd Rands on 05 June 2006.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is 571-272-0795. The examiner can normally be reached on Monday through Friday from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 8, 2006

DAVID T. FOX
PRIMARY EXAMINER
GROUP 180 1638

